

## **APPENDIX N – WATER WASTE ORDINANCE**

## **Chapter 13.04**

### **WATER SERVICE SYSTEM**

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#### **Section 13.04.010 Definitions.**

For the purpose of this chapter, certain words and phrases used in this chapter are defined as follows:

"Customer" means any person or entity, including without limitation, the city, the state of California, the United States of America and any department or agency thereof, billed for water furnished by the water division of the city.

"Commercial service" means the furnishing of water to premises where the customer is engaged in trade or business.

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"Domestic service" means the furnishing of water for household residential purposes, including water used for sprinkling lawns, gardens and shrubbery, for washing vehicles, for cooling homes and for other similar and customary domestic purposes.

"Flat rate service" means furnishing of water in unmeasured quantities and allowed only as specified in this chapter.

"Industrial service" means the furnishing of water to premises for use by a customer in manufacturing or processing activities.

"Meter rate service" means the furnishing of water by measured quantities.

"Premises" means any lot, piece or parcel of land or any building or other structure having a connection with the water system of the city.

"Private fire protection service" means any water line connected to the water system for the sole use of fire prevention. An individual water meter shall be required on each fire protection service.

"Waste of water" means the improper use of, excessive use of or unlawful use of water supplied by the city.

"Water division" means that division of the city public works department designated to administer the water system of the California Water Service Company purchased by the city effective January 9, 1958. "Water division" shall include the superintendent and other employees of the city

serving in the water division.

"Water system" means the water business purchased by the city from the California Water Service Company effective January 9, 1958, together with such additions and improvements thereto as may be made from time to time. (Prior code § 6-6.01)

#### **Section 13.04.020 Services offered.**

A. New applicants for domestic service which is an existing nonmetered service may select to maintain the service as unmetered and pay the established unmetered flat rate. Once an applicant or customer has exercised its option to be served by either a flat or metered rate, it shall agree, while it remains a customer, to accept service under its selected rate schedule. All new connections to the water system shall be metered with a meter of at least three-quarters inch in size and installation of such meters shall be at the sole cost and expense of the applicant.

1. If the customer requests a conversion from flat rate service to metered service, the city will install the meter and bill the customer for one-half of the total labor and material costs for the installation of such meter. The customer shall pay the full amount of said billing within thirty (30) days of the date of the billing statement.

2. Should a customer remodel, modify, change or alter its premises and the cost of such remodeling, modification, change or alteration exceeds five thousand dollars (\$5,000.00), the city shall install a water meter to measure water use by the customer at the premises. The applicant shall pay fifty (50) percent of the total cost of the purchase and installation of the meter, including without limitation, the cost of the meter-box. The customer shall pay said amount within thirty (30) days of the date of a billing statement from the city.

3. Should at any time, any federal, state or local law, regulation or ordinance mandate the installation of water meters for any type of water use, including, without limitation, the installation of water meters on currently unmetered service connections, then on the date any such federal, state or local law, regulation or ordinance is passed, adopted or enacted, the installation of water meters as required by such federal, state or local law, regulation or ordinance, or if requested by a customer, shall be at the sole cost and expense of the owner of the real property upon which the meter is to be installed.

4. If a customer's premises is demolished, destroyed or removed from the real property upon which it is located, reconnection to the water system shall require a meter and all costs shall be borne by the applicant.

5. Subdivisions (1), (2) and (3) above shall also apply to any premises located outside of the city limits, but within a county area receiving water service from the city.

B. Applicants for commercial service or industrial service shall be served under metered rates.

C. The water division shall furnish water at customer service connections at such pressure as may be available from time to time in the normal operation of the water division. (Prior code § 6-6.02)  
(04-03, Amended, 04/06/2004)

#### **Section 13.04.030 Applications for service--Establishment of credit.**

A. Each applicant for water service may be required to establish credit before receiving service. Credit shall be deemed established if the applicant meets any one of the following conditions:

1. If the applicant makes a cash advance payment in the amount of one month's flat rate service or, if on service by meter, the applicant makes a cash deposit equal to twice the estimated average monthly meter bill; or

2. If the applicant has been a customer of the water division during the previous twelve (12) month period and has paid all water bills satisfactorily during such period.

B. All deposits made with the water division to establish credit shall be deposited in a

special fund and may be applied by the water division to a customer's unpaid bills for water service when service is discontinued. Such deposit, without interest, shall be refunded to a customer who has paid all bills for water service without delinquency for the previous twelve (12) consecutive months.

C. The water division shall furnish temporary service, if feasible, to any applicant on the following conditions:

1. That the applicant be required to pay in advance the estimated cost of installing and removing the facilities necessary to furnish the service; and
2. That the applicant be required to establish credit in the manner provided in subsection A of this section. (Prior code § 6-6.03)

#### **Section 13.04.040 Water charges and rates.**

A. Purpose. Charges and rates to pay the cost of operation, maintenance, debt service, equipment replacement, expansion and administration of the city water system, including without limitation, the city cross-connection program identified in Chapter 13.16 of the Hanford Municipal Code, shall be levied against all customers of the city water system. The charges and rates shall be calculated in accordance with the provisions of this Chapter 13.04 and Chapter 13.16 of the Hanford Municipal Code and shall be adopted by resolution of the city council. Costs of the city water system shall include, without limitation, the following items:

1. Sufficient financing for an adequate operation and maintenance program, including without limitation, competent operating and management personnel;
2. Funds to be reserved for necessary future replacements, improvements, and expansions of the facilities; and
3. Funds to cover all debt service incurred in the maintenance, operation, replacements, improvements, expansions and management of the facilities.

B. Water Service Charges. The structure of the charges shall be as follows:

1. Meter rate services;
2. Residential flat rate service;
3. Private fire protection service.

C. Charges and Rates Outside the City Limits. For all her connections serving premises located outside the city limits, the rates to be charged a customer shall be one and one-half times the calculated meter rate for metered services and one and one-half times the established flat rate for unmetered services. Included in such rates are additional charges for the following conditions:

1. Every user of water outside the limits of the city who shall have an evaporative cooler which does not have a recirculating pump connected to it and as a part thereof;
2. Every user of water outside the limits of the city who has a water cooled refrigeration unit which is not properly connected to a cooling tower designed and used for the purpose of reusing the same watering such refrigeration unit. (Prior code § 6-6.04)

(99-01, Amended, 03/17/1999)

#### **Section 13.04.050 Delinquencies and Collections**

1. Water service charges, connection fees, and other charges identified in this chapter shall be collected by the director of finance.
2. Flat rate water service charges shall be billed monthly with other city utilities. All water service charges shall be earned as of the day of each month of service, regardless of the date of the termination of water service, and no rebates shall be made for midmonth disconnections.
3. Water service charges based on metered water use shall be billed monthly with other city utilities.
4. All other fees and charges not listed in paragraphs 2 and 3 of this Section 13.04.050 shall

be paid as set forth in this chapter. Fees and charges not requiring prepayment or payment at the time of issuance shall be included on the next monthly city utility bill to the customer.

**Delinquencies.**

1. **Penalty Fees.** In the event any customer fails to pay the water service charges, connection fees, and other required charges and fees identified in this Section 13.04.050 within fifteen (15) days after the date of the applicable city utility bill, the city may assess a basic penalty for late payment in the amount of ten percent (10%) of the delinquent water related charges and fees which amount shall be added to the delinquent charges and fees, and the director of finance shall collect the basic penalty along with the delinquent charges and fees.

The city may also assess an additional penalty, not exceeding one and one-half (1-1/2) percent per month for nonpayment of the delinquent charges and fees and nonpayment of basic penalties.

2. **Discontinuance of Service.** In the event any customer fails to pay any charges or fees described in this chapter, including any penalty or fee, within fifteen (15) days after the date of the applicable city utility bill, the city, in addition to all other remedies it may have, may discontinue furnishing water service and all other services identified on the applicable city utility bill and shall not resume the same until all charges and fees, together with any penalties, service charges or connection fees necessitated by the resumption of water service, have been paid in full.

Prior to discontinuing all services identified on the applicable city utility bill, the city shall send written notice to the customer advising the customer that all utilities identified in the applicable city utility bill will be discontinued if payment of the total amount identified in said written notice is not paid to the city within ten (10) days after the date of said written notice.

3. **Court Action.** In addition to the discontinuing all utilities identified on the applicable city utility bill, the city may file a civil action against the customer for the collection of any amount due and unpaid. Such remedy shall be cumulative and in addition to any other remedy provided in this chapter or by law.

4. **Notice of Liens.** In the event a customer fails to pay, in full, all charges, fees or penalties identified in this chapter within ninety (90) days of the date of any city utility bill, the city shall notify the owner of the real property receiving the water service, in writing, of such delinquency and that the delinquency shall be collected pursuant to the provisions of paragraph 5 of this chapter 13.04.050.

5. **Lien Proceedings.** In the alternative to filing a civil action against the customer, the city council, pursuant to the applicable provisions of the California Health and Safety Code, may elect to have all delinquent charges, fees and penalties collected on the tax roll in the same manner, at the same time and by the same persons together with and not separately from general taxes. Such delinquent charges, fees and penalties shall thereafter constitute a lien against the lot or parcel of land against which the charges have been imposed.

6. **Restoration of Service.** The utilities identified on the city utility bill shall not be restored until all charges, fees and penalties, including without limitation, all expenses of removal, discontinuance, disconnection, restoration and reconnection have been paid.

7. The city may discontinue water service without notice to the customer when the apparatus, appliances or equipment using water, in the sole opinion of the city, is found to be dangerous or unsafe. The city shall promptly notify the customer of the reasons for the discontinuance and the corrective action to be taken by the customer before service can be restored.

8. The city may discontinue service without notice to any customer when the use of water thereon by the apparatus, appliances, equipment or otherwise is found by the city in its sole discretion, to be detrimental or injurious to water service furnished to other customers. The city shall promptly notify the customer of the reasons for the discontinuance and the corrective action to be taken by the customer before service can be restored.

9. The city may discontinue water service without notice to any customer when it is determined by the city in its sole discretion, that the customer has obtained water service by fraudulent means or has diverted the water service for unauthorized use. The city shall not restore service until the customer has complied with all the rules and regulations of the city and the city has been reimbursed for

the full amount of the service rendered and the actual cost to the water division incurred by reason of such fraudulent use. (Prior code § 6-6.05)  
(05-11, Amended, 09/06/2005)

**Section 13.04.060      Voluntary discontinuance of service.**

A customer may have his water service discontinued by giving notice to the water division not less than two days before the effective date. Such customer shall be required to pay all water charges until the effective date identified in such notice. When such notice is not given, the customer shall be required to pay for water service until two business days after the water division has knowledge that the customer vacated the premises or otherwise has discontinued water service. (Prior code § 6-6.06)

**Section 13.04.070      Reconnection charges.**

A.      The water division may charge for restoring water service which has been discontinued for noncompliance with the provisions of this chapter:

B.      Water reconnection charges shall be established by separate council resolution. (Prior code § 6-6.07)

**Section 13.04.080      Right to refuse service.**

The water division may refuse to provide water service to any person or entity if the requested water service is not in accordance with the provisions of this chapter. (Prior code § 6-6.08)

**Section 13.04.090      Free rates unlawful.**

No water service shall be furnished to any customer free of charge. (Prior code § 6-6.09)

**Section 13.04.100      Resale of water.**

Except by special agreement with the water division, no customer shall resell any water furnished by the water division to the customer. (Prior code § 6-6.10)

**Section 13.04.110      Billing.**

A.      All water charges shall be due at the finance department upon the receipt of the bill and shall become delinquent fifteen (15) days after the date of the bill. All bills for water charges shall be rendered monthly. Meters shall be read at regular intervals for the preparation of regular metered service bills and as required for the preparation of closing bills. Should a monthly billing period contain less than twenty-seven (27) days or more than thirty-three (33) days, a pro rata correction in the bill shall be made. Proportional adjustments shall be made when other billing periods are used.

B.      Opening bills, closing bills and other bills requiring proration shall be computed in accordance with the applicable schedule prorated on the basis of the number of days in the period to a thirty (30) day month. A minimum charge of twenty dollars (\$20.00) will be made to any customer for service. When an applicant other than the original customer requests a water connection at the same location within one month after the date of the original application, the bill of the original customer shall be prorated for the period his service was connected. (Prior code § 6-6.11)

#### **Section 13.04.120      Service interruptions.**

The water division shall exercise reasonable diligence to provide continuous and adequate water service to customers but cannot guarantee complete freedom from interruption. The water division shall have the right to suspend water service temporarily to make necessary repairs or improvements to the water system. In the event of such temporary suspension of service, the water division shall notify the customers affected as soon as circumstances permit and shall prosecute the work of repair or improvement with due diligence and with the least possible inconvenience to the customers. The water division shall not be liable for interruptions, shortages or the insufficiency of the water supply or water pressure or any loss or damage occasioned thereby. The water division shall not be responsible for the installation or maintenance of any water line beyond the end of its service lines at the meter connection or curb stop as defined by the city's standard construction specifications. (Prior code § 6-6.12)

#### **Section 13.04.130      Refund agreements.**

A.      Refund Agreements/Water Main Construction Reimbursement Other Than Oversizing. If a customer constructs and installs a water main pipeline having a size of eight (8) inches or smaller and the city determines that the water main pipeline constructed and installed by the customer will provide water service to other property owners whose property is adjacent to the water main pipeline, subject to the provisions of a reimbursement agreement approved by the Hanford City Council, the city will reimburse the customer, based upon a front foot charge, an amount not to exceed one-half of the actual cost paid by the customer for the construction and installation of the water main pipeline. No reimbursement shall be provided for either upline extensions or lateral extensions of the water main pipeline. As connection is made to the water main pipeline by other customers, a reimbursement amount, including interest, at a rate equal to the Local Agency Investment Fund ("LAIF") interest rate in effect on the date of execution of the reimbursement agreement by the city, shall be collected by the city from the connecting customers and held in accordance with the terms and conditions of the reimbursement agreement. It shall be the sole responsibility of the customer who is a party to the reimbursement agreement to request payment of the funds received by the city from the other customers connecting into the water main pipeline. The maximum term of any reimbursement agreement shall be for a period of ten (10) years and any and all claims for reimbursement by the customer must be made within one year after the date of expiration of the reimbursement agreement. Should no request for reimbursement be made within said one (1) year period, the funds held by the city pursuant to the terms and conditions of the reimbursement agreement may be used by the city for water system purposes as determined by the city with no further obligation to the customer.

(Prior code § 6-6.13)

(99-01, Amended, 03/16/1999)

#### **Section 13.04.131      Refund agreements/water main construction by the City of Hanford**

Should the City of Hanford ("City") construct and install a water main pipeline which will provide water service to property owners/customers whose property is adjacent to or across the street from the water main pipeline, each such property owner/customer shall reimburse the City, based upon a front footage charge as determined by the City, the actual cost paid by the City for the construction and installation of an eight inch water main pipeline plus the cost of engineering and administrative services incurred by the City in the construction and installation of the eight inch water main pipeline, exclusive of oversizing as identified in Section 13.04.140 of the Chapter. Before connection is made to the water main pipeline, by the property owner/customer, a reimbursement amount, as determined by the City, including interest, at a rate equal to the Local Agency Investment Fund ("LAIF") interest rate in effect on the date of the final payment made by the City for the construction and installation of the water main pipeline, shall be paid by the property owner/customer to the City. The City's right to receive reimbursement shall

be for a period of ten (10) years after the date of the filing of the Notice of Completion for the construction and installation of the water main pipeline and any and all claims for reimbursement by the City must be made within one (1) year after the date of expiration of said ten (10) year period.  
(00-04, Added, 05/01/2001)

#### **Section 13.04.140      Oversized water mains.**

The city shall have the right to require a customer to construct an oversized water main pipeline. if the city requires a customer to construct an oversized water main pipeline, the city shall reimburse the customer the actual cost paid by the customer for the oversizing in accordance with the provisions of Chapter 15.49 of the Hanford Municipal Code. Only water main pipelines larger than eight (8) inches in internal diameter shall be considered oversized; however, if a customer requires a water main pipeline larger than eight (8) inches for its own purposes, the oversized water main pipeline constructed and installed by the customer will be considered the size required to serve that customer. The city engineer is hereby empowered to make the determination as to how much, if any, oversizing is required and is also empowered to determine the difference in cost between the actual construction and installation cost and the average cost of pipeline. The decisions made by the city engineer shall be binding and conclusive on the customer.

(Prior code § 6-6.14)

(99-01, Amended, 03/16/1999)

#### **Section 13.04.150      Water use.**

- A.      Unlawful Acts. In the use of water supplied by the city no person shall:
1.      Sprinkle, irrigate or otherwise apply water to any yard, ground, premises or vegetation except on the following designated days: Properties with even-numbered addresses, Tuesday, Thursday and Saturday. Properties with odd-numbered address, Wednesday, Friday and Sunday; or
  2.      Sprinkle, irrigate or otherwise apply water to any yard, ground, premises or vegetation or wash any type of vehicle, boat or trailer on Monday; or
  3.      Sprinkle, irrigate or otherwise apply water to any yard, ground, premises or vegetation on any day of the week between the hours of ten a.m. and six p.m. during periods designated as "daylight savings time" (generally occurring between April 15th and October 15th); or
  4.      Sprinkle, irrigate or otherwise apply water to any yard, ground, premises or vegetation except by the use of a hand-held hose, a sprinkling device or an approved sprinkling system; or
  5.      Keep, maintain, operate or use any water connection, hose, faucet, hydrant, pipe, outlet or plumbing fixture which is not tight and free from leakage or dripping; or
  6.      Sprinkle, irrigate or otherwise apply water to any yard, ground, premises or vegetation between the hours of twelve midnight and five a.m. unless the water device used to apply such water is controlled by an automatic shut-off device or a person is in immediate attendance of the watering device; or
  7.      Allow excessive water to run or waste from his property on to sidewalks, streets or adjoining or adjacent property; or
  8.      Use water for sidewalk, driveway or walkway washing or cleaning, except that a business may apply water to paved areas of the business premises in order to maintain the same in a clear and sanitary condition; or
  9.      Willfully or negligently waste water in any manner.
- B.      Violations--Notices--Penalties. The violation of any provisions of subsection A of this section shall result in the following actions by the city:

(Flat Rate Customers)

1.      First Violation. A verbal warning of the violation shall be issued by the public works



department personnel or police department to the respective water customer of the city.

2. Second Violation. A written notice of the violation shall be issued by public works department personnel or police department to the respective water customer of the city.

3. Third Violation. A written notice of the violation shall be issued by the public works department personnel or police department to the respective water customer of the city and a charge of fifteen dollars (\$15.00) shall be added to the next water bill of such customer as a one time charge for such violation. The customer shall pay the full amount of such charge within thirty (30) days of the date of the water bill.

4. Fourth Violation. A written notice of the violation shall be issued by the public works department personnel or the police department to the respective water customer of the city and a water meter shall be installed by the city to meter all water use upon the real property where the violation occurred. All costs of purchase and installation of the water meter, including without limitation, city overhead, shall be billed to the respective water customer of the city and the customer shall pay the full amount thereof within thirty (30) days of the date of the billing.

5. Fifth Violation. A written notice of the violation shall be issued by the public works department personnel or the police department to the respective water customer of the city and a charge of fifty dollars (\$50.00) shall be added to the water bill of such customer as a one time charge for such violation. The customer shall pay the full amount of the charge within thirty (30) days of the date of the water bill.

(Metered Customers)

a. The notices and charges for metered water service shall be the same as flat rate water service with regards to violations identified in subdivisions (1), (2), (3) and (5) of this subsection.

b. As regards a fourth violation by a customer with metered service, a written notice of the violation shall be issued by the public works department personnel or the police department to the respective water customer of the city and a charge of twenty-five dollars (\$25.00) shall be added to the water bill of such customer as a one time charge for the violation. The customer shall pay the full amount of the charge within thirty (30) days of the date of the water bill.

(As to Flat Rate and Metered Service)

6. Sixth Violation. A written notice of the violation will be issued by the public works department personnel or the police department to the respective water customer of the city and a water flow restricter shall be installed by the city to restrict water use upon the real property where the violation has occurred. All costs of purchase and installation of the water flow restricter, including without limitation city overhead, shall be billed to the customer and the customer shall pay the full amount of such cost within thirty (30) days of the date of the billing. The flow restricter shall remain installed until the customer has provided the city's public works department with evidence that the customer has modified its water use so that it will not again violate the ordinance codified in this section.

C. Leaks in Customer's System. When a leak is discovered by a customer in a customer's water system and a customer is charged for water that it has not used, as a result of the leakage, it shall be the policy of the city to aid the customer in locating the leak. If the leak is repaired by the customer within a period of ten days of the date the leak is discovered and the customer can establish that a portion of the charges identified in its water bill are in excess of the amount normally charged to the customer, that excess amount of water use caused by the leakage shall be charged to the customer at the standard water rate. If the leak is not repaired by the customer within the ten-day period, the portion of the excess water usage which results from the leakage will be billed at two times the standard water rate until the leak is repaired by the customer.

D. Determination of Number of Offenses. In order to be defined as a violation other than a first violation, the violation must occur within one year of the date of the first violation. (Ord. 95-06 § 1, 1995; prior code § 6-6.15)

## **Section 13.04.160      Unauthorized water use.**

Any person using water from the city water system in violation of any provision of the Hanford Municipal Code shall pay, upon demand by the city, a penalty charge in an amount which shall be determined by city council resolution.  
(99-01, Added, 03/16/1999)